

Remarks

Claims 1–8 are pending in this application. Favorable reconsideration of this application is requested in view of the following remarks.

Claims 1–8 stand rejected under 35 U.S.C. § 102(b) as being anticipated by McGreevy et al. (US 4,781,175). The rejection, as it may apply to the claims presented herein, is respectfully traversed.

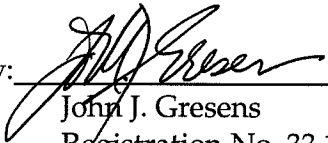
The Action asserts that Figures 4 and 10 of the '175 patent disclose each and every aspect of the claimed invention. Specifically, the Action asserts that Figures 4 and 10 of the '175 patent disclose a branching device located in the housing by way of which the power supply line is diverted out of the gas supply line. Applicants respectfully assert that the '175 patent does not disclose the "branching device" element and, therefore, the '175 patent does not disclose each and every limitation of the claimed invention.

The Action fails to specify what element of the '175 patent and, specifically, what element of Figures 4 or 10, is considered to be a "branching device." In referring to Figure 4, an energy supply conductor 56 is connected to an electrosurgical generator 46, while gas passageways 50 are connected to a gas delivery apparatus 44. However, no "branching device located in the housing" is shown, as required by both independent claims 1 and 7. Figure 10 shows a schematic diagram of the gas delivery system (including conduits 222 and 228) and a block diagram of the electrosurgical generator. However, Figure 10 fails to disclose a "branching device" for diverting the power supply line out of the gas supply line.

The '175 patent fails to disclose a "branching device" as required by claims 1–8. Therefore, Applicants respectfully assert that claims 1–8 are not anticipated by the '175 patent.

Based on the foregoing, reconsideration and allowance of claims 1-31 are respectfully requested.

Respectfully submitted,

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